

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
IME WATCHDOG, INC.,

Plaintiff,

-against-

SAFA ABDULRAHIM GELARDI, VITO GELARDI,
GREGORY ELEFTERAKIS, ROMAN POLLAK,
ANTHONY BRIDDA, NICHOLAS ELEFTERAKIS,
NICHOLAS LIAKIS, and IME COMPANIONS LLC,

Defendants.
-----X

SAFA GELARDI and IME COMPANIONS, LLC,

Third-Party Plaintiffs,

-against-

CARLOS ROA,

Third-Party Defendant.
-----X

CARLOS ROA,

Third-Party Counter-Claimant,

-against-

SAFA ABUDLRAHIM GELARDI, VITO GELARDI,
and IME COMPANIONS, LLC,

Third-Party Counter-Defendants.
-----X

Case No.: 1:22-cv-1032 (PKC) (JRC)

**REPLY DECLARATION OF
CARLOS ROA IN FURTHER
SUPPORT OF PLAINTIFF'S ORDER TO
SHOW CAUSE FOR CONTEMPT AND
FOR AN ORDER OF ATTACHMENT
PURSUANT TO RULE 64 OF THE
FEDERAL RULES OF CIVIL
PROCEDURE & ARTICLE 62 OF
THE NEW YORK CIVIL
PRACTICE LAW & RULES**

I, Carlos Roa, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am President of Operations at IME Watchdog, Inc (hereinafter the “IME Watchdog”), the Plaintiff in the above-captioned case.

2. As such, I am fully familiar with the facts and circumstances set forth below, based upon the facts known to me to be true, my review of the books, records, and Court Orders maintained by the Plaintiff and conversations I have had with the principals and employees of Plaintiff.

3. On April 19, 2023, I spoke to Mayra Gomez (“Ms. Gomez”), an independent contractor who performs IME observer services for IME WatchDog.

4. Ms. Gomez showed me a photo she took of an individual attending an independent medical examination (“IME”) for one Rafael Cuaxil.

5. I identified that individual as Fari Gutierrez (“Gutierrez”), as I know what Gutierrez looks like because I met him when I worked for the Defendants and have interacted with him in the past.

6. I performed a search of the New York State Court Electronic Filing (“NYSCEF”) system for “Rafael Cuaxil,” and learned that he is represented by Ginarte, Gallardo, Gonzalez, Winograd, today known as Ginarte, Gonzalez, Winograd (hereinafter “Ginarte”), a law firm on the Enjoined Customers List. See Index No.: 609954/2021 (Nassau County Supreme Court), NYSCEF Docket Entry [1](#); see also copy of NYSCEF Case Detail page annexed hereto as **Exhibit “A.”**

7. Also attached hereto as **Exhibits “B,” “C,” and “D”** are pictures that contain a fair and accurate representation of the photos I saw, where I identified Fari Gutierrez.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 2, 2023.


Carlos Roa (May 2, 2023 17:54 EDT)

CARLOS ROA

EXHIBIT A

New York State Unified Court System

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609954/2021 - Nassau County Supreme Court

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Short Caption: **RAFAEL ANTONIO CUAXIL v. BI-COUNTY SCALE & EQUIPMENT CO., LLC**

Case Type: **Torts - Product Liability (PRODUCT)**

Case Status: **Active**

eFiling Status: **[Full Participation Recorded](#)**

Assigned Judge: **Rhonda E Fischer**

Document List

Case Detail

3rd Parties

Court Notices

Full Caption

Rafael Antonio Cuaxil v. Bi-County Scale & Equipment Co., Llc

Plaintiffs/Petitioners

Name	Represented By
Rafael Antonio Cuaxil	WINOGRAD, RICHARD MARK on 08/04/2021 GINARTE GALLARDO GONZALEZ WINOGRAD, LLP

Defendants/Respondents

Name	Represented By
BI-COUNTY SCALE & EQUIPMENT CO., LLC	YONG, JEFFREY P on 09/14/2021 Martyn Smith Murray & Yong



Maureen O'Connell
Nassau County Clerk
[Nassau County Clerk's Website](#)

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EXHIBIT B



EXHIBIT C



EXHIBIT D








2023-05-02 Reply Declaration of Carlos Roa

Final Audit Report

2023-05-02

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"2023-05-02 Reply Declaration of Carlos Roa" History

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